

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth M. Adams et al.

Examiner: John Kim

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Serial No.: 10/657,915

Group Art Unit: 3733

Filed: September 9, 2003

Docket No.: M190.145.101/P-263.00US JUL 21 2006

Title: SURGICAL MICRO-BURRING INSTRUMENT AND METHOD OF PERFORMING SINUS SURGERY

**CERTIFICATE OF TRANSMISSION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

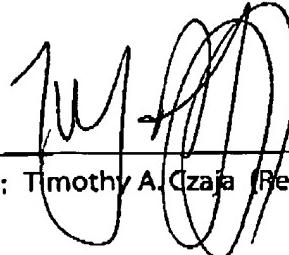
I hereby certify that the following paper(s) are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (571) 273-8300 on the date shown below:

1. Transmittal Sheet containing Certificate of Mailing (1 pg.); and
2. Response to Restriction Requirement (2 pgs.).

Date: July 21, 2006  
TAC: cmj

By: \_\_\_\_\_

Name: Timothy A. Czaja (Reg. No. 39,649)



4 Pages (including cover page)

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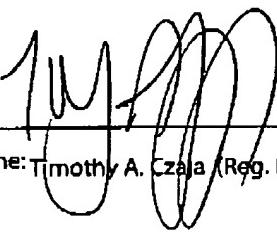
Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet containing Certificate of Mailing under 37 C.F.R. 1.8
- Response to Restriction Requirement 2 pg(s).
- Petition for a Extension of Time 1 pg.
- The Commissioner is authorized to charge \$0.00 to Deposit Account No. 500471 to cover the Extension of Time Fee
- Other: Certificate of Transmission (1 pg.)

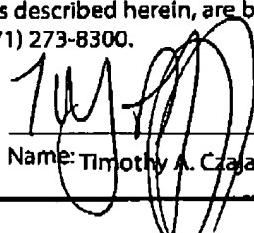
Customer No. 025281

By   
 Name: Timothy A. Czaja (Reg. No. 39,649)

Please consider this a Petition for Extension of Time for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please change any additional fees or credit overpayment to Deposit Account No. 500471.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**Date of Transmission: July 21, 2006

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (571) 273-8300.



Name: Timothy A. Czaja

**JUL 21 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth M. Adams et al. Examiner: John Kim  
Serial No.: 10/657,915 Group Art Unit: 3733  
Filed: September 9, 2003 Docket: M190.145.101/P-263.00 US  
Due Date: July 21, 2006  
Title: SURGICAL MICRO-BURRING INSTRUMENT AND METHOD OF  
PERFORMING SINUS SURGERY

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed June 21, 2006, in which a Restriction Requirement was set forth relative to the Examiner-identified inventions of Group I (claims 1-24) and Group II (claims 25-29). In response, Applicant hereby elects Group I (claims 1-24) with traverse for at least the reasons provided below.

Independent claim 1 recites a surgical micro-burring instrument including an outer tubular member and an inner tubular member. The outer tubular member forms a pocket and an elevator tip distal the pocket. The inner tubular member includes a bur positioned within the pocket such that at least a portion of the bur is exposed via an upper opening of the pocket. Independent claim 25 recites a method of performing a micro-burring procedure and includes providing a micro-burring instrument including the same features set forth in claim 1. In light of this relationship, it is respectfully submitted that the Examiner's reasoning that "the method can be performed by another and materially different apparatus" is unsupported. As such, it is respectfully requested that the restriction requirement be withdrawn.

**Amendment and Response**

Applicant: Kenneth M. Adams et al.

Serial No.: 10/657,915

Filed: September 9, 2003

Docket No.: M190.145.101/P-263.00 US

Title: SURGICAL MICRO-BURNING INSTRUMENT AND METHOD OF PERFORMING SINUS SURGERY

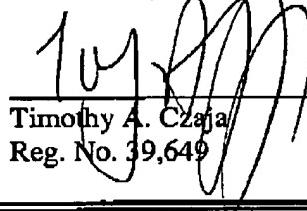
Any inquiry regarding this Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Dicke, Billig & Czaja**  
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100 South Fifth Street  
Minneapolis, MN 55402  
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Respectfully submitted,  
Kenneth M. Adams et al.,  
By their attorneys,

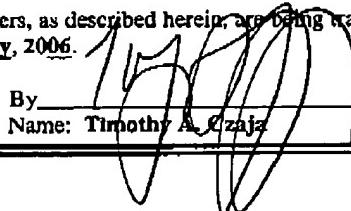
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Date: July 21, 2006  
TAC:jmc

  
\_\_\_\_\_  
Timothy A. Czaja  
Reg. No. 39,649

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Fax No. (571) 273-8300 on this 21<sup>st</sup> day of July, 2006.

  
\_\_\_\_\_  
By \_\_\_\_\_  
Name: Timothy A. Czaja